

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DOMINIQUE WHITE,

Plaintiff,

Case No. 17-cv-10015

Hon. Matthew F. Leitman

vs.

WAYNE COUNTY JAIL,

Defendant,

ORDER DISMISSING COMPLAINT (ECF #1) WITHOUT PREJUDICE

Plaintiff Dominique White (“White”) is an inmate currently confined at the Wayne County Jail (the “Jail”) in Detroit, Michigan. On January 3, 2017, White filed a civil action against the Jail for claims related a slip and fall on November 9, 2016. (*See* ECF #1 at 3, Pg. ID 3.) On January 4, 2017, Magistrate Judge R. Steven Whalen signed an order of deficiency, which required White to file pay the \$350.00 filing fee and the \$50.00 administrative fee or to submit an application to proceed *in forma pauperis* (the “Deficiency Order”). (*See* ECF #2.) The Deficiency Order required White to comply with the Order by no later than February 3, 2017. (*See id.*) It further warned White that his failure to comply with the order would result in the dismissal of his Complaint. (*See id.*) To date, White has neither paid the filing fee in full nor supplied this Court with an application to proceed *in forma pauperis*. Accordingly, the Court **DISMISSES** the Complaint without prejudice.

I

The Prisoner Litigation Reform Act of 1995 (the “PLRA”) provides that “if a prisoner brings a civil action ... the prisoner shall be required to pay the full amount of a filing fee.” 28 U.S.C. § 1915(b)(1). *See also In Re Prison Litigation Reform Act*, 105 F.3d 1131, 1138 (6th Cir. 1997). However, a prisoner may be eligible to bring a civil action *in forma pauperis* if he or she files an affidavit of indigency and a certified copy of the trust fund account statement for the six-month period immediately preceding the filing of the complaint. *See* 28 U.S.C. § 1915(a). If the inmate does not pay the full filing fee and fails to provide the required documents to proceed *in forma pauperis*, the district court must notify the prisoner of the deficiency and grant him or her thirty days to correct it or pay the full fee. *See McGore v. Wrigglesworth*, 114 F.3d 601, 605 (6th Cir. 1997) *overruling on other grounds recognized by Gunther v. Castineta*, 561 Fed. App’x 497, 499 (6th Cir. 2014). “If the prisoner does not comply with the district court’s directions, the district court must presume that the prisoner is not a pauper and assess the inmate the full amount of fees. The district court must then order the case dismissed for want of prosecution.” *Id.*

II

Here, as noted above, the Court complied with the PLRA by entering the Deficiency Order on January 4, 2017, and providing White thirty days to comply with that order. He has failed to do so. Thus, because White has neither paid the required filing fee nor submitted an application to proceed *in forma pauperis*, the Court **DISMISSES** the Complaint **WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915(a)(1) and (b)(1) and (2). *See, e.g., Erby v. Kula*, 113 Fed. App'x 74, 75-6 (6th Cir. 2004) (affirming dismissal of prisoner civil rights action for failure to comply with district court's deficiency order); *Davis v. United States*, 73 Fed. App'x 804, 805 (6th Cir. 2003) (same).

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: February 28, 2017

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 28, 2017, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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